

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In re DEREK WALKER	:	Chapter 13
	:	Case No. 19-13862
Debtors	:	
	:	
	:	
The Bank of New York Mellon	:	
Plaintiff	:	
	:	
v.	:	Relief From Stay
	:	Contested Matter
	:	No.
Derek Walker	:	
Respondents	:	

**DEBTORS ANSWER TO MOTION FOR RELIEF FROM STAY OF
THE BANK OF NEW YORK MELLON**

**Debtor, through undersigned counsel, responds to the Motion for
Relief from the Automatic Stay filed herein by The Bank of New York Mellon:**

- 1. The allegations of paragraphs 1, 2, 3, 4, 5, 7, 8 and 10 are
admitted.**
- 2. The allegations of paragraphs 6, 11 and 12 are denied.**

Nathan Fisher, VSB #37161
Counsel for Debtor
3977 Chain Bridge Rd., #2
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3. The subject property is necessary for an effective reorganization as it constitutes a primary motivation for the filing of the petition herein;

4. There is marginal equity in the subject property.

5. To the extent that a post-petition mortgage arrearage exists, same can be cured by adding the arrearage into the remaining term of the chapter 13 plan or by the debtor making her regular mortgage payment, along with a partial mortgage payment, over a period of six months time.

WHEREFORE, because 11 U.S.C. 362(d) of the Bankruptcy Code provides that the Court shall grant a party in interest relief from the stay: (1) "for cause, including the lack of adequate protection of an interest in property of such party in interest," (11 U.S.C. 362(d) (1)), or, alternatively, (2) if "the debtor does not have an equity in such property and such property is not necessary to an effective reorganization," (11 U.S.C. 362(d) (2) (A) & (B)), and because in this case the movant's interest in the subject property is adequately protected and the subject property is necessary to an effective reorganization, Debtor requests that this Court deny Plaintiff's Motion for Relief from Stay, and for such other relief as this Court deems appropriate.

Dated: February 13, 2020

Respectfully Submitted
Derek Walker
By Counsel:
/s/ Nathan Fisher
Fisher-Sandler, LLC
Nathan Fisher
3977 Chain Bridge Rd., #2
Fairfax, VA 22030
(703) 691-1642

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2020, I served the foregoing, via first-class mail, on the following, who are all necessary parties under Local Rule 4001(a)-1(E)(1):

Thomas Gorman
300 North Washington St., Ste. 400
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Derek Walker
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/s/ Nathan Fisher
Nathan Fisher